REMARKS

Claims 32 and 35-43 are pending in the present application. Each of these claims are amended above. No claims are added or canceled. Consequently, claims 32 and 35-43 remain pending for the Examiner's consideration. The appeal in the present case has been terminated and new grounds for rejection have been introduced. Applicant acknowledges and appreciates the careful analysis of the claims and the cited references provided in the Office Action. The remarks below support applicant's assertion that these claims distinguish over the prior art, and are therefore in condition for allowance.

Claims 32 and 35-43 of the present application have been rejected under 35 USC 103(a) as being unpatentable over Barnett et al. (Barnett), USP 6,369,840 and further in view of Dang, USP Publ. US2002/0089536. Applicant respectfully requests reconsideration of the claims in light of the amendments above and the remarks below.

Applicant concedes that Barnett makes the broad generalization (albeit without example), that "One skilled in the art will recognize that other embodiments of the invention, that may operate without use of a browser, are also possible." (col. 7, lines 29-30.) However, the Office Action makes no specific reference to (nor does Barnett or Dang teach or suggest):

retrieving instructions and a definition usable by a client device to present data that is programmed in a format readable by a Web browser program:

- the instructions for invoking a client device-resident process for obtaining the data from a device other than the client device, and

- the definition that defining at least in part a functionality and an appearance of a user interface outside of a window of a Web browser program, for rendering on the client device the user interface independent of a Web browser program, and within which the results of a client device-resident process are presented (claim 32, lines 5-15, as amended).

Rather, with reference to col. 7, lines 24-27, Barnett merely states that the user may interact with the system taught by Barnett through a mechanism other than a web browser. Clearly, there is much more to the claimed invention that simply interacting with a system other than through a browser.

It is also important to note that as used in the specification, content "programmed in a format readable by a Web browser program" means content typically viewed by way of a web browser application, such as HTML, dHTML, flash, streaming media, or Java. See, e.g., page 43, lines 7-29, page 49, lines 13-14, etc. of the specification, as filed. Contrastingly, since the data referred to in the cited sections of Barnett is stored in the information database (112), one skilled in the art would interpret that that data would be of a type typically stored in databases, such as raw data in a delimited (tab, comma, etc.) format, readable by an interface to that database, and not data programmed in a format readable by a Web browser program. This reference to an information database thus teaches away from the providing the data in a format readable by a Web browser program.

Dang teaches that standalone applications (as opposed to Java applets) may be authored in the Java programming language and run on a computer having a Java virtual machine but no browser. However, it too fails to teach the elements of the invention cited immediately above. For example, it fails to teach the limitation of a server providing information "programmed in a format readable by a Web browser program" (particularly for rendering on the client device the user interface independent of a Web browser program, claim 32, lines 13-14, as amended).

As previously argued, "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). The combination of Barnett and Dang fail to teach or suggest instructions for invoking a client device-resident process for obtaining the data from a device other than the client device, and a definition of a user interface for displaying the results of the process outside of and independent from a Web browser program. Consequently, the obviousness of claim 32, and of claims 35-43 which depend from claim 32, has not be sufficiently shown. Therefore, applicant respectfully requests that the rejection of claims 32 and 35-43 be reconsidered and withdrawn.

Importantly, while applicant has focused on a number of limitations of claim 32, there are additional limitations present in the that claim as well as the claims depending from claim 32, which further distinguish those claims from the cited references. Therefore, the fact that those additional limitations are not specifically discussed herein

is not to be read as implying that those discussed herein are the exclusive set of such differentiating limitations. Rather, applicant has selected several differentiating limitations and limited the discussion thereto in the interest of brevity, and reserves the opportunity to discuss those limitations further in subsequent correspondence regarding this case, if necessary.

Conclusion

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration and issuance of a formal Notice of Allowance for this application in light of the amendments and remarks provided above is respectfully requested.

By action taken here, Applicant in no way intends to or causes any surrender of any subject matter or range of equivalents beyond that strictly required to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves without dedication all such subject matter and equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art. Furthermore, distinctions between the claims and cited references in addition to those made herein may exist. Thus, applicant also reserves the right to highlight some or all of those additional distinctions at a later date, if appropriate.

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,

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